

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 * * *

4
5 UNITED STATES OF AMERICA

6 Plaintiff,

7 v.

8 RALPH SANCHEZ, JR.

9 Defendant.
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Case No.: 2:99-cr-00029-RFB

ORDER

11 Before the Court is Defendant's Motion to Seal Records (ECF No. 38). Defendant pled
12 guilty to a class E felony on July 13, 1999. He was released from supervised probation on October
13 31, 2001. He now seeks an order from the Court to seal his federal criminal records, under its
14 equitable authority, to enhance his employment opportunities. However, the Court does not have
15 the authority to seal these records.

16 The Court construes Defendant's motion as, effectively, a Motion to Expunge. See U.S. v.
17 Crowell, 374 F.3d 790, 792 (9th Cir. 2004) ("[I]n general when a defendant moves to expunge
18 records, she asks that the court destroy or seal the records of the fact of the defendant's
19 conviction.") The Ninth Circuit has held that "a district court does not have ancillary jurisdiction
20 in a criminal case to expunge an arrest or conviction record where the sole basis alleged by the
21 defendant is that he or she seeks equitable relief. The power to expunge a record of a valid arrest
22 and conviction on equitable grounds must be declared by Congress." U.S. v. Sumner, 226 F.3d
23 1005, 1015 (9th Cir. 2000). There currently exists no "statute in which Congress has empowered
24 a district court to reopen a criminal case after its judgment has become final for the purpose of
25 expunging a record of a valid arrest or conviction to enhance a defendant's employment

1 opportunities.” Id. Sanchez has not cited, nor is the Court aware of, any authority by which it may
2 seal his records.

3 Therefore, IT IS ORDERED that the Motion to Seal Records (ECF No. 38) is DENIED.

4 DATED this 15th day of August, 2017.

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7 RICHARD F. BOULWARE, II.
8 United States District Judge
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